

2025 LiveLaw (SC) 245

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J.
SLP(Crl.) No(s). 851/2025; FEBRUARY 18, 2025
LOKESH KUMAR *versus* STATE OF CHHATTISGARH & ANR.**

Juvenile Justice (Care and Protection of Children) Act, 2015; Sections 3(xiv), 24 - Disclosure of Juvenile Conviction in Character Certificate - Whether disclosure of a juvenile's conviction in a character certificate violates Section 24 and affects future employment prospects. Held, Section 24 protects juveniles by prohibiting disqualification from past convictions and mandating non-disclosure of such records in public or official documents. The Court quashed the portion of the appellant's character certificate disclosing his juvenile conviction and directed authorities to refrain from disclosing such records in future verifications. The High Court's dismissal of the appellant's petition for availability of an alternative remedy was erroneous, as it overlooked the violation of the JJ Act's rehabilitative intent. Section 24 promotes rehabilitation by preventing stigma from past convictions and mandates destruction of records after a specified period. Disclosure in official certificates undermines reintegration and contravenes the JJ Act's protective framework. As the appellant's offense was not heinous, its inclusion in records was unwarranted, posing no threat to public safety. Appeal allowed; character certificate quashed to the extent of disclosing juvenile conviction; authorities directed to ensure non-disclosure and prevent disqualification based on juvenile record.

(Para 9, 14, 16)

[Arising out of impugned final order dated 27-08-2024 in WPCR No. 313/2024 passed by the High Court of Chhattisgarh at Bilaspur]

For Petitioner(s): Mr. Aman Pandey, Adv. Mr. Harsh Parashar, AOR Mr. Chanakya Sharma, Adv.

For Respondent(s): Ms. Prerna Dhall, Adv. Mr. Shivam Ganeshia, Adv. Mr. M N Gopinadh, Adv. Ms. Karishma Rajput, Adv. Ms. Akanksha Singh, Adv. Mr. Prashant Singh, AOR

ORDER

- 1.** Leave granted.
- 2.** The present appeal arises out of the final order dated 27.08.2024 (the "Impugned Order") passed by the High Court of Chhattisgarh at Bilaspur (the "High Court") in WPCR No. 313 of 2024, whereby the High Court dismissed the writ petition filed by the Appellant on the ground that an alternative remedy was available under the Juvenile Justice (Care and Protection of Children) Act, 2015¹. Aggrieved by the Impugned Order, the Appellant has approached this Court seeking redress.
- 3.** The relevant facts, in brief, are that on 10.11.2021, the Appellant was convicted by the Juvenile Justice Board² in Criminal Case No. 203 of 2021 for offences under Sections 294, 506, and 323 read with Section 34 of the Indian Penal Code, 1860³. It was alleged that the petitioner along with some other persons had misbehaved, abused and beaten one person. The conviction was based on the Appellant's confession and consequently,

¹ JJ Act, 2015

² The Board

³ IPC

the Board sentenced him to sit before the Board till the rising of the Board that day and imposed a fine of ₹600/- (Rupees Six Hundred).

4. Sometime in 2024, the Appellant applied for recruitment at SIS Case Services Ltd., Raipur. As part of the application process, he was required to furnish a character certificate from the concerned Police Station. Pursuant thereto, the Superintendent of Police, Balodabazar, issued a character certificate dated 09.07.2024 disclosing the Appellant's juvenile conviction. The Appellant contends that this disclosure adversely impacts his employment prospects and directly contravened the safeguards enshrined in Section 24 of the JJ Act, 2015, which removes any disqualification arising from a child's conflict with law.

5. Feeling aggrieved by the mention of his juvenile conviction in the aforesaid certificate, the Appellant preferred WPCR No. 313 of 2024 before the High Court. In the said petition, the Appellant prayed inter alia for the following reliefs:

"A. A writ and/or an order in the nature of a writ of appropriate nature do issue, commanding and directing the respondent authorities to call for the records in respect of the action taken by the respondent authorities on the complaint of the petitioner.

B. A writ and/or an order in the nature of a writ of appropriate nature and/or any direction to quash Annexure P/3, i.e., the order of conviction passed by the Juvenile Justice Board dated 10.11.2021, and consequently quash Annexure P/2, i.e., the character certificate dated 09.07.2024, issued by the Superintendent of Police, Balodabazar-Bhatapara, Chhattisgarh.

C. A writ and/or an order in the nature of a writ of appropriate nature do issue, commanding and directing the State as well as other bodies falling under the definition of 'State' as envisaged under Article 12 of the Constitution of India, to restrain from seeking any information in the future from the juvenile/petitioner about the previous record/information of his juvenile delinquency, so as to prevent any adverse impact of such delinquency on the future prospects of the juvenile.

D. Any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the case."

6. The Appellant's primary contention before the High Court was that he challenged the continuing effect of his conviction under JJ Act, namely, its reflection in official documents and the attendant disqualification. The Appellant placed reliance on Section 24 read with Section 3(xiv) of the JJ Act, 2015, which mandates that all past records of a juvenile in conflict with law should be erased and should not operate as a bar to the child's future prospects, unless the alleged offence falls within specified exceptions.

7. Vide the Impugned Order, the High Court dismissed the writ petition, holding that the Appellant ought to avail the statutory remedy to challenge the conviction before the competent court under the JJ Act, 2015. Consequently, the High Court did not consider the Appellant's prayer to quash the character certificate or to issue directions ensuring that his juvenile record would not be used to his detriment. It is this dismissal that has led the Appellant to file the present appeal.

8. The principal question that arises for our determination is whether the disclosure of the Appellant's juvenile conviction in an official character certificate, and the resulting disqualification, runs contrary to Section 24 of the JJ Act, 2015 and, if so, whether the High Court erred in refusing to grant relief under its extra ordinary jurisdiction under Article 226 of the Constitution of India.

9. At the outset, Section 24 of the JJ Act, 2015 is reproduced hereunder:

"24. Removal of disqualification on the findings of an offence.

(1) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (i) of sub-section (1) of section 19, the provisions of sub-section (1) shall not apply.

(2) The Board shall make an order directing the Police, or, by the Children's Court to its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court."

Moreover, in Chapter II of the JJ Act, 2015 which details the general principle for the protection of the children, Section 3(xiv) reads as follows:

"Section 3(xiv) Principle of Fresh Start: All past records of any child under the Juvenile Justice system shall be erased, except in special circumstances."

10. A bare perusal of the statute reveals that the legislative design of Section 24 is emphatically protective in nature. By expressly stating that "a child ... shall not suffer disqualification, if any, attached to a conviction," the provision carves out a unique sphere of immunity for individuals whose offences are adjudicated under the juvenile justice framework. This principle is rooted in the broader humanitarian object of the JJ Act, 2015- *to rehabilitate and reintegrate juveniles into society, free from the stigma of their past conflicts with law.*

11. The Appellant's grievance is specifically directed against the practical effect of his juvenile record being disclosed in a character certificate, thereby disqualifying him from employment. He does not dispute the validity of the conviction order itself, nor does he assail the procedure adopted by the Juvenile Justice Board. Instead, his core argument highlights the conflict between disqualification arising from a juvenile conviction and the protective mandate of Section 24 of the JJ Act, 2015.

12. It needs to be emphasised that Section 24(2) of the JJ Act, 2015 also contemplates the destruction of relevant conviction records after a certain period, underscoring the Legislature's intent to ensure that a juvenile's past transgression does not perpetually hinder his future. By its very nature, the statute aims to accord a fresh start to juveniles who have served whatever rehabilitative or corrective measure was deemed appropriate by the Board. Where such conviction details continue to appear in public or official documents, especially those bearing upon future employment prospects, the underlying legislative safeguard is manifestly undermined.

13. Furthermore, the JJ Act, 2015 emphasis on a childcentric approach is reinforced by Section 3(xiv) thereof, which encapsulates the "principle of fresh start," making it clear that "all past records of any child under the Juvenile Justice system should be erased except in special circumstances." Here, the offence in question; misbehaviour, verbal abuse, and physical assault under Sections 294, 506, and 323 read with Section 34 of the IPC, cannot be described as heinous. Nor is there any indication that the Appellant poses a continuing threat to public safety or security. Hence, continuing to reflect the Appellant's juvenile record in an official certificate directly conflicts with the rehabilitative policy that underpins

the Act. This principle has been reiterated by this Court in **Union of India v. Ramesh Bishnoi**⁴, in the following portion:

“8. From the facts, it is clear that at the time when the charges were framed against the respondent, on 30-6-2009, the respondent was well under the age of 18 years as his date of birth is 5-9-1991. Firstly, it was not disputed that the charges were never proved against the respondent as the girl and her parents did not depose against the respondent, resulting in his acquittal on 24-11-2011. Even if the allegations were found to be true, then too, the respondent could not have been deprived of getting a job on the basis of such charges as the same had been committed while the respondent was juvenile. The thrust of the legislation i.e. the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as the Juvenile Justice (Care and Protection of Children) Act, 2015 is that even if a juvenile is convicted, the same should be obliterated, so that there is no stigma with regard to any crime committed by such person as a juvenile. This is with the clear object to reintegrate such juvenile back in the society as a normal person, without any stigma. Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015 lays down guidelines for the Central Government, State Governments, the Board and other agencies while implementing the provisions of the said Act. In clause (xiv) of Section 3, it is clearly provided as follows:

“3. (xiv) Principle of fresh start: All past records of any child under the juvenile justice system should be erased except in special circumstances.”

14. The High Court, in dismissing the Appellant’s writ petition, emphasized the availability of a statutory remedy to challenge the conviction itself. While it may be true that the Appellant can pursue an appeal or revision on the merits of the conviction, that reasoning overlooks his core complaint regarding the enduring disqualifying effect of such conviction, a consequence that the JJ Act, 2015 expressly seeks to nullify. Irrespective of whether the conviction is left intact, Section 24 of the JJ Act, 2015 protects juveniles from suffering ongoing disqualification in adulthood. Thus, relegating the Appellant solely to a remedy for quashing the conviction does not adequately address the injury caused by the continued disclosure of his juvenile record.

15. In sum, although the Appellant indeed sought to quash his conviction before the High Court, his principal grievance is the persisting stigma and prejudice caused by reflecting his juvenile record in official documents. Restricting his recourse only to an appeal or revision on the conviction itself does not resolve the question of whether the attendant disqualification should stand. Judicial intervention is therefore warranted, not to consider the validity of the conviction, but to ensure that the protective mandate of Section 24 of the JJ Act, 2015, prohibiting a juvenile record from hampering future prospects, is upheld in letter and spirit.

16. Therefore, we are of the considered view that the Impugned Order fails to recognize the proper scope and operation of Section 24 of the JJ Act, 2015. By dismissing the Appellant’s challenge on grounds of an alternative remedy, the High Court inadvertently frustrates the Legislature’s mandate that protects a rehabilitated juvenile’s adult life prospects from the part conflict in law.

17. In view of the foregoing discussion, we are of the considered opinion that the High Court erred in dismissing the Appellant’s writ petition on the ground of alternate remedy. The protective mandate of Section 24 of the JJ Act, 2015 must be honoured so that a juvenile’s past record does not impede his adult life prospects.

18. The appeal is, accordingly allowed.

⁴ (2019) 19 SCC 710

19. The Impugned Order dated 27.08.2024 is hereby set aside. The character certificate dated 09.07.2024, insofar as it discloses or relies upon the Appellant's juvenile conviction, is quashed. All concerned authorities are directed not to treat or disclose the said juvenile conviction in any future verification, screening, or certification process relating to the Appellant's education, employment, or any other opportunity.

20. It is further directed that the record of the Appellant's juvenile conviction, except as permitted in the limited circumstances contemplated by the JJ Act, 2015, shall be treated in accordance with Section 24 of the said Act, so that it does not operate as a disqualification or hinder his prospects in any manner. This direction shall be strictly complied with by all authorities, including the police and other public bodies, who may be required to issue character certificates or conduct background checks on the Appellant.

21. Pending application(s), if any, stand disposed of.

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